

BROWN RUDNICK LLP

Seven Times Square
New York, New York 10036
David J. Molton
212-209-4800

-and-

SELENDY & GAY PLLC

1290 Avenue of the Americas
New York, NY 10104
David Elsberg
212-390-9000

Attorneys for the Foreign Representatives

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
FAIRFIELD SENTRY LIMITED, et al.,)	Chapter 15 Case
Debtors in Foreign Proceedings.)	Case No: 10-13164 (SMB)
)	Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION),)	
acting by and through the Foreign Representatives)	
thereof, and KENNETH KRYS and JOANNA LAU,)	Adv. Pro. No. 11-01486
solely in their capacities as Foreign Representatives and)	(SMB)
Liquidators thereof,)	
Plaintiffs,)	
-against-)	
KOREA EXCHANGE BANK, A.I. COLLAR FUND NO)	
1, A.I. COLLAR FUND NO 2, A.I. COLLAR FUND NO)	
14-1904, A.I. COLLAR FUND NO 14-190-2, A.I.)	
COLLAR FUND HT NO 1, AJ. COLLAR FUND HT)	
NO 2, A.I. COLLAR FUND HT NO 3, A.I. COLLAR)	
FUND HT NO 4, A.I. COLLAR FUND HT NO 5, A.I.)	
COLLAR FUND HT NO 6, AJ. COLLAR FUND HT)	
NO 7, AJ. COLLAR FUND HT NO 8, AJ. COLLAR)	
FUND HT NO 9, AJ. COLLAR FUND HT NO 10, AJ.)	
COLLAR FUND HT NO 11, AJ. COLLAR FUND HT)	
NO 12, WOORI AI COLLAR GREEN FUND I, TAMS)	
STABLE ALPHA I, TAMS STABLE ALPHA II, TAMS)	

STABLE ALPHA III, KOREA GLOBAL ALL ASSET)
TRUST 1-2, and BENEFICIAL OWNERS OF)
ACCOUNTS HELD IN THE NAME OF KOREA)
EXCHANGE BANK 1-1000,)
)
)
Defendants.)

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. **Names(s) of appellants:** Fairfield Sentry Limited (In Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Joanna Lau, solely in their capacities as Foreign Representatives and Liquidators thereof (“Plaintiff-Appellants”).

2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Plaintiff(s)

Part 2: Identify the subject of this appeal

1. **Describe the judgment, order or decree appealed from:** Plaintiff-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

- a. Each and every part of that portion of the Order Granting In Part And Denying In Part Moving Defendants' Motions To Dismiss And Plaintiffs' Motion For Leave To Amend, dated Wednesday, April 17, 2019 (ECF No. 127) (the “Order”) that constitutes a final judgment and except insofar as the Order provides for further proceedings on issues listed in Order Paragraph II.A in the Bankruptcy Court;
- b. Memorandum Decision Granting in Part and Denying in Part Defendants’ Motions to Dismiss and Plaintiffs’ Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr.

S.D.N.Y. Dec. 6, 2018)¹, ECF. No 1743) (“December 2018 Decision”), solely insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor; and

- c. Memorandum Decision and Order Regarding the Defendants’ Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723) (the “August 2018 Order”), solely insofar as it rules that Defendants’ consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions.

2. **State the date on which the judgment, order, or decree was entered:**

- a. The Order was entered on Wednesday, April 17, 2019. A copy of the Order is annexed hereto as **Exhibit A**.
- b. The December 2018 Decision was entered on December 6, 2018. A copy of the December 2018 Decision is annexed hereto as **Exhibit B**.
- c. The August 2018 Order was entered on August 6, 2018. A copy of the August 2018 Order is annexed hereto as **Exhibit C**.

Part 3: Identify the other parties to the appeal:

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Plaintiff-Appellants	Attorneys
Fairfield Sentry Limited (In Liquidation), acting by and through the Foreign	BROWN RUDNICK LLP David J. Molton

¹ The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

Representatives thereof, and Kenneth Krys and Joanna Lau, solely in their capacities as Foreign Representatives and Liquidators thereof	Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800 SELENDY & GAY PLLC David Elsberg Lena Konanova Ron Krock 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000
Defendant-Appellees	Attorneys
See Schedule A	See Schedule A

Part 4: Not Applicable (No BAP in this District)**Part 5: Signature**

Dated: May 15, 2019
New York, New York

Respectfully submitted,

BROWN RUDNICK LLP

/s/ David J. Molton

BROWN RUDNICK LLP

David J. Molton
Marek P. Krzyzowski
Seven Times Square
New York, New York 10036
Telephone: 212.209.4800
Facsimile: 212.209.4801
Email: dmolton@brownrudnick.com
Email: mkrzyzowski@brownrudnick.com

—and—

SELENDY & GAY PLLC

David Elsberg
Lena Konanova
Ron Krock
1290 Avenue of the Americas
New York, NY 10104

Telephone: 212-390-9000
E-mail: delsberg@selendygay.com
E-mail: lkonanova@selendygay.com
E-mail: rkrock@selendygay.com

Counsel for the Plaintiff-Appellants